

**STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
SPECIAL CONFERENCE CALL  
BOARD MEETING**

**DRAFT MINUTES**

**April 26, 2021**

**(KEY: MSC = MOTION: MADE, SECOND: CARRIED  
MSF = MOTION: MADE, SECOND: FAILED)**

**THE SPECIAL MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 10:00 A.M. ON APRIL 26, 2021 BY A VIDEO CONFERENCE CALL. PARTICIPATING BY CONFERENCE CALL WERE BOARD MEMBERS BRAD COMPTON (CHAIRMAN), LOUISE STARK, TAMMY OVERACKER, EXECUTIVE DIRECTOR LORI THOMASON, OFFICE SUPERVISOR AMANDA HARPER, AND BOARD LEGAL COUNSEL JOAN CALLAHAN. BOARD MEMBER ZACK MASON WAS NOT PRESENT.**

**ROLL CALL** – A roll call was taken. It was noted that Board Member Zack Mason was not in attendance.

**EXECUTIVE SESSION - MSC (MOTION: STARK; SECOND: OVERACKER; AYES – STARK, OVERACKER, AND COMPTON; NAYES – NONE) TO GO INTO EXECUTIVE SESSION AT 10:05 A.M. TO COMMUNICATE WITH LEGAL COUNSEL ABOUT PENDING LITIGATION PURSUANT TO I.C. § 74-206(1)(f).**

**MSC (MOTION: OVERACKER; SECOND: STARK; AYES – STARK, OVERACKER, AND COMPTON; NAYES – NONE) TO COME OUT OF EXECUTIVE SESSION AT 11:00 A.M. WITH NO DECISIONS MADE.**

**PETITION FOR JUDICIAL REVIEW** – Board Counsel Joan Callahan stated that a licensee, Sportsman's Hunting LLC, has filed a Petition for Judicial Review on three of the hunts that were newly limited from the Fish and Game Commission action in November 2020. She explained that this Judicial Review is an appeal to that action and was filed in the District Court in Ada County. She continued that the question to the Board is whether the Board would be inclined to do anything with the currently existing orders given that the designated tags are currently able to be purchased from Fish and Game. She stated that the fact that an appeal has been filed does not automatically stay those orders, so they are currently in effect unless the Board wants to take its own action or unless the licensee or another licensee asks to stay the orders. The options at hand are:

1. To leave the order as it is currently in force which allows all the outfitters in the petitioned units or zone to pick up all the tags they are currently designated based on 2018/2019 use data.
2. Stay the action in whole, which would not allow any outfitters in the petitioned units or zone to pick up their tags until this Petition for Judicial Review has been resolved or the stay has been lifted.
3. Stay the order in part as it relates to any tags that may be in dispute using 2019/2020 use data, so that outfitters could pick their tags up that would not change, either way the Judicial Review goes.

The Board Chair stated that as he understands it, if the Petitioner prevails, and the Board were to be required to recalculate, it could result from 25%-33% of tags to be reshuffled amongst the qualifying outfitters. He continued that progressing through this Petition, he would like to see the least amount of impact to the outfitters while also protecting and managing the risk of all the allocated tags being sold. Board member Overacker agreed on a partial stay and deal only with the tags that are in dispute. Ms. Stark stated that not knowing how long this petition could take, it seems unfair to the outfitters in those units and zone to hold

all the designated tags. Board Counsel stated that the Board can revisit a stay at any time. **MSC (MOTION: OVERACKER; SECOND: STARK; AYES – STARK, OVERACKER, AND COMPTON; NAYES – NONE) TO STAY THE FINAL ORDERS FOR UNITS 75 AND 76 FOR REGULAR DEER TAGS AND BEAR RIVER A ELK TAGS UP TO THE NUMBER OF TAGS THAT ARE IN DISPUTE BASED ON 2019 AND 2020 USE DATA, AND TO HAVE AN ORDER PREPARED TO THAT EFFECT FOR THE CHAIRMAN’S SIGNATURE.**

**MSC (MOTION: OVERACKER; SECOND: STARK; AYES – STARK, COMPTON, AND OVERACKER; NAYES – NONE) WITH ALL BUSINESS BEING COMPLETE ADJOURN THE MEETING AT 11:10 AM.**

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BRAD COMPTON, BOARD CHAIRMAN                      DATE

ATTEST:

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LORI THOMASON, EXECUTIVE DIRECTOR                      DATE